REMARKS

Applicants thank Examiner Dunn for participating in the interview of January 28, 2009. The above amendment of claim 1 and the references of record were discussed. Applicants explained that the subject matter of the amended claims is not disclosed or suggested by the references. While the Examiner wished to do further review and searching, he acknowledged Applicants' argument and did not point to any contrary disclosure in the references.

In the office action dated Jan 1, 2008, all pending claims 1-20 were rejected. In response, Applicants are amending independent claims 1, 10, 11, 14 and 15, and the dependent claims 4, 12, and 17. As such, claims 1-20 are pending. Applicants request consideration of the claims as amended in view of the following remarks.

The independent claims are being amended to emphasize that the executable code applies to each of a plurality of programs on the client device. Support for the amendments is found in the present disclosure, for example in the application programs 114, 116 mentioned at page 4, lines 7-8, and in the advantage described on page 6, lines 6-8: "The feature can be implemented such that it need not be specifically coded for every function that it should apply to, without having to coordinate development of several functions or several application programs."

Independent claim 14 is amended to replace "the code" with "the computer program product" that is recited in the claim preamble. The dependent claims are being amended to recite that the application code provided to the client wherein the message is an over-definition of a default message that would otherwise be presented. Support for the amendments is found in the existing claim language and throughout the present disclosure, for example in the description of the server provided framework code that can allow one or more programs to provide an over-definition of a default message that would otherwise be presented. [Spec. 5:8-10] Dependent claim 3 is amended for consistency with claim 1.

No new matter is added.

Claim Rejections – 35 USC 103

Claims 1-20 were "rejected under 35 USC 103(a) as being unpatentable over Coker et al. (USPN 2007/0250840) in view over Lee et al. (USPN 20040088700)." [Office Action, page 2]

These rejections are moot in view of the above amendments. The Examiner did not identify any contrary disclosure in the interview. Without conceding that the rejection has merit, Applicants submit that the present claims as amended are patentable over the references of record.

Claims 1, 10, 11, 14, and 15

Independent claim 1 is directed to a method of informing the user about communications between a client device and a server device. The claim recites that executable code is provided from a server device to a client device. Independent claims 10, 11, 14 and 15 include similar language. The references of record do not disclose executable code as recited in the independent claims.

The office action contended that Coker discloses a busy state manager configured to monitor and inform a user of a status and progress of the submitted request that can inform the user that the request processing has started and lock the user interface.

The Applicants respectfully disagree that this or any other part of Coker discloses the "executable code" of the present claims. Coker describes the "busy state manager" as "a mechanism… provided so that when a client submits a request to a server that involves long-running or time-consuming operations on the server side, the server can inform the client accordingly..." [Coker paragraph 0306] Coker's mechanism does at least two things differently from the Applicants' claimed executable code: Coker's mechanism appears to detect a long running process at the server side – not the client side – and Coker's mechanism generates a message from the server to the client to notify the user of the long running process.

By contrast, the Applicants' claim 1 claims executable code that is "configured to be stored on the client device" that "when executed… determines whether each of the communications between the client device and the server device lasts longer than a specific time,

and, upon determining that the specific time has been exceeded, causes a message provided in the code to be presented to a user of the client device." Accordingly, claim 1 is not disclosed or suggested by Coker.

The Applicants' claims 10, 11, 14, and 15 also recite "executable instructions," "executable code," and "client-side framework code" that execute on the client to determine when communications with a server lasts longer than a specific time and causes a message provided in the code to be presented to a user of the client device. Coker does not teach client side code that, when executed, determines whether each of the communications between the client device and the server device from the application programs lasts longer than a specific time, nor does Coker teach that the client side code causes a message provided in the code to be presented to a user of the client device upon determining that the specific time has been exceeded.

Lee was cited as allegedly showing a system for automatically installing software on a client via a server. Without conceding that this characterization is correct, Applicants submit that Lee does not provide the subject matter missing from Coker per the above analysis.

The above analysis shows that several aspects of the subject matter in claims 1, 10, 11, 14, and 15 are entirely missing from Coker and Lee. It follows that Coker and Lee do not anticipate the subject matter of claims 1, 10, 11, 14, and 15 or render them obvious.

Claims 4, 12, and 17

Dependent claim 4, as amended, is directed to providing application program code to the client device wherein the message is an over-definition of a default message that would otherwise be presented.

The Examiner contended that "Coker et al. teaches the method of claim 3, further comprising and application program code to the client device wherein the message is an over-definition of a default message ([0309] e.g., updating a progress bar is interpreted as providing an over-definition of a default message because an update to a progress bar would be indicative of new text, i.e., over definition)" [Office Action, pages 4-5]

The Applicants respectfully disagree. Coker does not disclose an over-definition of a message that would otherwise be presented as recited by the amended claim 4. Coker teaches that "upon determining that the request received from the client may take a long time to process… the server will notify the client accordingly." [Coker paragraph 0309] However, as was discussed previously, the claimed program code determines whether a process is running too long independently of the server. Furthermore, Coker teaches that "upon receiving the progress information from the server via the notifications, the client can update a progress bar to show how much of the task has been completed at that point in time" [Coker paragraph 0309]. By contrast, the claimed over-definition is not an updating of a progress bar.

Claims 12 and 17, as amended, also recite a message wherein the message is an over-definition of a default message that would otherwise be presented. As was discussed previously, Coker does not appear to teach an over-definition message that is presented to the user instead of a default message.

The above analysis shows that several aspects of the subject matter of claims 4, 12, and 17 are entirely missing from Coker and Lee. It follows that Coker and Lee do not anticipate the subject matter of claims 4, 12, and 17, or render them obvious.

Conclusion

Favorable consideration of claims 1-20 as amended is requested.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

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